

REMARKS

Claims 1-19 are pending in this application. By this Amendment, claims 1, 4, 15 and 16 are amended. No new matter is added by this Amendment. Support for the amendments to the claims is found at, for example, paragraph [0031] of the specification and at Figs. 2, 3, 6-9 and 11.

I. Examiner Interview

Applicants note with appreciation that the Examiner has agreed to grant a personal interview before issuing a response to this Amendment. In this regard, the Examiner is invited to contact the undersigned at the telephone number set forth below at his earliest convenience to schedule the personal interview.

II. Rejection Under 35 U.S.C. §112, second paragraph

Claim 4 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite because there is insufficient antecedent basis for "the top side," as recited in line 7 of claim 4. Claim 4 is amended to replace "the top side" with "a top side." Accordingly, this rejection has been overcome.

Withdrawal of the rejection is respectfully requested.

III. Rejections Under 35 U.S.C. §102(b)

Claims 1, 2, 5, 6, 8, 15, 16 and 19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,593,725 (Ortega); and claims 1, 5, 8, 15, 16 and 19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,275,750 (Clark)¹. These rejections are respectfully traversed.

Ortega discloses a toothbrush with a hollow handle housing for one or more toothpaste containers. The inserted toothpaste containers are completely accommodated

¹ At page 3, line 9 of the Office Action, it is stated "claims 1, 15, 16, and 19, the Ortega reference...." However, this appears to be a typographical error, and it is Applicants' understanding that the Clark reference, and not the Ortega reference, is being cited.

within the handle. The hollow handle housing and the toothpaste container are closed by means of a cap.

However, Ortega fails to disclose a toothpaste container with a container body having an integrally formed handle shell part, which projects beyond the container holder and together with the handle part forms an exterior surface of the handle, as recited in claim 1; a toothbrush body having a handle part that forms a handle together with an inserted toothpaste container, wherein a surface of the handle including the handle part and toothpaste container essentially maintains its form when subjected to loading, which occurs during teeth cleaning, irrespective of the filling level of the toothpaste container, as recited in claim 15; and a container body, with an integrally formed handle shell part that is releasably inserted into a container holder of a handle part of the toothbrush, wherein the handle shell part essentially maintains its form when subjected to loading which occurs during teeth cleaning, irrespective of the filling level of the toothpaste container, and forms the surface of a handle together with the handle part, as recited in claim 16.

Instead, the cap according to Ortega is not integrally formed on the toothpaste container and does not provide the function of a handle shell part. The toothpaste container and the cap are two different elements (see Fig. 1, 2 and 9).

Furthermore, when using the Ortega toothbrush during normal teeth cleaning, the user will not contact the toothpaste container, whereas according to the claimed toothbrush container of claims 1, 15 and 16, the user inevitably contacts the toothpaste container. The concept, the requirements and the configuration of the toothpaste containers of the presently claimed invention and that of Ortega are entirely different. For example, in the toothbrush according to claim 15, the handle shell part of the toothpaste container essentially maintains its form when subject to loading which occurs during teeth cleaning and at least part of the container body is thin-walled and more flexibly elastic than the rest of the container body

such that the toothpaste can be squeezed out. In contrast, the toothbrush according to Ortega has neither a toothpaste container provided with a handle shell part nor two zones of different flexibility.

Furthermore, Clark discloses a toothbrush that is provided with a hollow handle such that the toothpaste container can be located inside the handle. The toothbrush container itself is entirely housed within the handle. As shown in Fig. 7 of Clark, one end side the toothbrush container 22 is equipped with an additional cap 16 in order to close the toothpaste container and the hollow handle. Furthermore, the toothbrush container according to Clark, during normal teeth cleaning, is neither visible nor subjected to loading. The toothpaste container according to Clark is (similar to Ortega) not provided with an integrally formed handle shell part.

For the foregoing reasons, neither Ortega nor Clark anticipates the subject matter of claims 1, 15 and 16, as well as the claims depending therefrom.

Withdrawal of the rejection is respectfully requested.

IV. Rejections Under 35 U.S.C. §103(a)

Claim 13 is rejected under 35 U.S.C. §103(a) over Clark; claim 3 is rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,381,818 (Cope); claims 7, 9 and 10 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 2,450,002 (Jackson); claims 11 and 17 are rejected under 35 U.S.C. §103(a) over Clark in view of U.S. Patent No. 5,382,106 (Voigt); claims 12 and 18 are rejected under 35 U.S.C. §103(a) over Clark in view of U.S. Patent No. 5,761,759 (Leversby); and claim 14 is rejected under 35 U.S.C. §103(a) over Clark in view of U.S. Patent No. 5,735,011 (Asher). These rejections are respectfully traversed.

Each of rejected claims 3, 7, 9-14, 17 and 18 depends from one of independent claims 1, 15 and 16. Accordingly, each of these claims is allowable at least for the same reasons as

claims 1, 15, and 16, as discussed above with respect to Ortega and Clark, and for the additional features that they recite.

Furthermore, Cope, Jackson, Voigt, Leversby and Asher, in any combination, fail to cure the deficiencies of Ortega and Clark discussed above.

The toothpaste container according to Clark is (similar to Ortega) not provided with an integrally formed handle shell part.

Cope discloses a toothpaste container, which has a laminated film body. Cope does not describe a toothpaste container according to the presently claimed invention. In fact, Cope does not describe a toothbrush at all. The disclosure regarding the resiliency of the toothpaste container does not suggest the features of the toothpaste container as presently claimed. Indeed, Cope mentions that the plastic material of the toothpaste container gives the ability to spring back to its original shape after a portion of the product has been squeezed out. However, the toothpaste container according to the presently claimed invention comprises a handle shell part together with a thin-walled part, which is more flexibly elastic such that the toothpaste can be squeezed out. Cope neither teaches nor suggests such a toothpaste container.

Jackson discloses a pocket toothbrush whose handle houses a toothpaste cartridge within a hollow part of the handle (similar to Ortega and Clark). The hollow part of the handle with the toothpaste cartridge inside is closed by a cap. The toothpaste cartridge is neither visible nor subject to loading during teeth cleaning.

Similar to the toothbrush according to Jackson, Clark and Ortega, the toothbrush according to Voigt is provided with a hollow part inside the handle of the toothbrush, which houses a flexible toothpaste container. The hollow part inside the handle is also closed by a cap such that the toothpaste container is neither visible nor subject to loading during teeth cleaning.

Leversby is relied upon only for allegedly disclosing non-slip, flexibly elastic ribs 11, and Asher is relied upon only for allegedly disclosing a restraining element 20. Even if Leversby and Asher disclose these features, the presently claimed invention still would not be achieved because neither Leversby nor Asher teach or suggest a toothbrush with a handle part, which is configured to accommodate a toothpaste container, as presently claimed.

For the foregoing reasons, Clark, Cope, Jackson, Voigt, Leversby and Asher, in any combination, fail to cure the deficiencies of Ortega discussed above. Accordingly, the applied references, in any combination, fail to anticipate or render obvious the subject matter of claims 1, 15 and 16, as well as the claims depending therefrom.

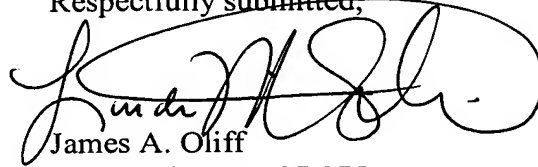
Withdrawal of the rejections is respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Oliff", written over a horizontal line.

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